

# ***City Council Meeting Minutes***

**January 17, 2017  
City Hall, Council Chambers  
749 Main Street  
7:00 PM**

**Call to Order** – Mayor Muckle called the meeting to order at 7:00 p.m.

**Roll Call** was taken and the following members were present:

**City Council:** *Mayor Robert Muckle, Councilmembers Jay Keany, Chris Leh, Susan Loo, Dennis Maloney, and Ashley Stolzmann*

**Absent:** *Mayor Pro Tem Jeff Lipton*

**Staff Present:** *Malcolm Fleming, City Manager  
Heather Balser, Deputy City Manager  
Kevin Watson, Finance Director  
Rob Zuccaro, Director of Planning & Building Safety  
Beth Barrett, Director of Library and Museum Services  
Bridget Bacon, Museum Coordinator  
Meredyth Muth, City Clerk*

**Others Present:** *Sam Light, City Attorney  
Colette Cribari, Prosecuting Attorney*

## **PLEDGE OF ALLEGIANCE**

All rose for the pledge of allegiance.

## **APPROVAL OF AGENDA**

Mayor Muckle called for changes to the agenda and hearing none, moved to approve the agenda, seconded by Councilmember Stolzmann. All were in favor.

## **PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA**

John Caraluzzi, 1441 Norwood Avenue, Boulder, Colorado, stated he is interested in opening a retail marijuana store in downtown Louisville. He asked the Council to

consider changing the rules to allow a marijuana store in downtown as he thinks it would be a benefit to the area.

Dave D'Angelo, 138 South Buchanan, stated he has an issue with his neighbor regarding a tree on the property line. He would like the City to require the neighbor to remove the tree as he feels it is a safety hazard to his property. He feels the City has not followed its own rules to require the tree be removed.

### **APPROVAL OF THE CONSENT AGENDA**

MOTION: Councilmember Stolzmann moved to approve the consent agenda, seconded by Councilmember Maloney. All were in favor.

- A. *Approval of Bills***
- B. *Approval of Minutes: January 3, 2017***
- C. *Approval of Cancellation of February 14, 2017 Study Session***
- D. *Approval of Engagement Letter with Butler Snow for 2017 Bond Counsel Services Regarding the Louisville Recreation and Senior Center and Memory Square Pool Expansion***

### **COUNCIL INFORMATIONAL COMMENTS ON PERTINENT ITEMS NOT ON THE AGENDA**

Councilmember Leh thanked the Seniors of Louisville for their concert fundraiser the previous week. The concert raised money for seniors in need of help with energy bills. He also noted the success of the Community Safety Meeting the previous night. He stated it was very successful and dealt with a variety of issues related to law enforcement and informing people of how to report crimes noting everyone will be treated fairly and with respect by the law enforcement community.

Mayor Muckle also stated it was a good meeting and thanked everyone for participating.

### **CITY MANAGER'S REPORT**

None.

### **REGULAR BUSINESS**

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#### **MCCASLIN BOULEVARD SMALL AREA PLAN – *staff requests a continuance to 2/7/17***

Director Zucarro stated staff is requesting a continuance to 2/7/17. Mayor Muckle moved to continue the item; Councilmember Maloney seconded the motion; all in favor.

**NORTH END MARKET – GENERAL DEVELOPMENT PLAN AMENDMENT AND  
FINAL PLAT AND PLANNED UNIT DEVELOPMENT – *continued from 1/3/17* –**

**ORDINANCE NO. 1730, SERIES 2016, AN ORDINANCE APPROVING AN  
AMENDMENT TO THE NORTH END GENERAL DEVELOPMENT PLAN (GDP) TO  
TRANSFER 17 RESIDENTIAL UNITS FROM PLANNING AREA 4 TO PLANNING  
AREA 1 AND REDUCE THE COMMERCIAL SPACE TO 40,000 SQUARE FEET IN  
PLANNING AREA 1 – 2<sup>nd</sup> READING –PUBLIC HEARING (advertised *Daily Camera*  
12/25/16)**

**RESOLUTION NO. 78, SERIES 2016 – A RESOLUTION APPROVING A FINAL PLAT  
AND FINAL PLANNED UNIT DEVELOPMENT (PUD) TO CONSTRUCT A MULTI-USE  
DEVELOPMENT CONSISTING OF 38 DWELLING UNITS AND 40,000 SQUARE  
FEET OF COMMERCIAL SPACE; BLOCK 11, NORTH END PHASE TWO**

***applicant requests a continuance to 2/7/17***

Director Zucarro stated the applicant has requested a continuance to the 2/7/17 meeting so that all members of the development team may be in attendance.

Attorney Light introduced the two items by title, noting this is the second reading of the ordinance and public hearing. Mayor Muckle opened the public hearing and incorporated the comments from Director Zuccaro and City Attorney Light.

Councilmember Keany stated he was recently quoted in the newspaper, but noted he has not made a decision on this application and his decision will be made on the criteria, the information presented in the meeting materials, and the information presented at the public hearing on 2/7/17. He stated he has not made up his mind and he can make a fair and impartial decision on the application.

Seeing no other Council comments Mayor Muckle made a motion to continue the ordinance and public hearing to 2/7/17; Councilmember Loo seconded the motion; all in favor.

Mayor Muckle moved to continue the resolution to 2/7/17; Councilmember Loo seconded the motion; all in favor.

**RESOLUTION NO. 4, SERIES 2017 – A RESOLUTION APPROVING THE  
LOUISVILLE HISTORICAL MUSEUM CAMPUS MASTER PLAN**

Bridget Bacon, Museum Coordinator, stated she is presenting the master plan for the Council's approval. The Historical Commission approved this Plan in August and it is the same version that Council reviewed in September. She stated the museum is already moving forward with some items from the Plan. These steps have increased

museum attendance already in 2016 and 2017. She thanked the Historical Commission and History Foundation for their help with the Plan.

Dan Mellish, chair of the Historical Commission, stated the Historical Commission has provided input on the Plan and evaluated it. The Commission voted to recommend the Council approve the Plan. He stated the Plan will be a great guide for the museum moving forward.

Councilmember Stolzmann stated she looks forward to the Plan. Mayor Muckle agreed. Councilmember Maloney noted he learned a lot during the process for the Plan and he appreciates the numbers and comparable information in the Plan.

Councilmember Keany moved to approve the Plan; Councilmember Leh seconded the motion; all in favor.

**ORDINANCE NO. 1731, SERIES 2017 – AN ORDINANCE AMENDING CHAPTER 9.22 AND CHAPTER 9.72 OF THE LOUISVILLE MUNICIPAL CODE REGARDING MINORS AND ALCOHOL AND AMENDING SECTION 9.76.020 OF THE LOUISVILLE MUNICIPAL CODE REGARDING POSSESSION AND CONSUMPTION OF MARIJUANA BY MINORS – 2<sup>nd</sup> READING –PUBLIC HEARING (advertised *Daily Camera* 1/8/17)**

Attorney Light introduced the ordinance by title noting this is a second reading and public hearing. Mayor Muckle opened the public hearing.

Colette Cribari, Prosecuting Attorney, stated the Court is recommending these changes to address the issue of sealing records for Minors in Possession (MIP) offenses. Sealing records can cost up to \$300 for a defendant; with this ordinance it will be done automatically. In addition, these ordinance amendments mirror the language in the state statute. It specifically identifies what a MIP is and provides for some immunity from prosecution for young people who are reporting alcohol and drug use of others, perhaps in an overdose situation.

Councilmember Leh asked what is the effect of an MIP record for a minor. Ms. Cribari stated that as marijuana it is still regulated by the Federal government it can impact a minor's record moving forward. However, if the record is sealed in our Court it is sealed everywhere and won't be on a person's record.

Councilmember Stolzmann moved to approve Ordinance No. 1731, Series 2017; Mayor Muckle seconded the motion. Motion carried by unanimous roll call vote.

**ORDINANCE NO. 1732, SERIES 2017, AN ORDINANCE AMENDING CHAPTER 14.12 OF THE LOUISVILLE MUNICIPAL CODE REGARDING VIOLATIONS OF PARKS AND RECREATION REGULATIONS – 2<sup>nd</sup> READING –PUBLIC HEARING (advertised *Daily Camera* 1/8/17)**

Attorney Light introduced the ordinance by title noting this is a second reading and public hearing. Mayor Muckle opened the public hearing.

Colette Cribari, Prosecuting Attorney, stated this is a cleanup of the code. Although the Municipal Code states that all people shall comply with the Parks and Recreation regulations, there is no specific penalty listed. The Chapter is being amended to clarify the general penalty is used.

Mayor Muckle moved to approve Ordinance No. 1732, Series 2017; Councilmember Maloney seconded the motion. Motion carried by unanimous roll call vote.

### **CITY ATTORNEY'S REPORT**

None.

### **COUNCIL COMMENTS, COMMITTEE REPORTS, AND IDENTIFICATION OF FUTURE AGENDA ITEMS**

Councilmember Maloney stated the Impact Fee Committee met today and members had a lot of agreement on the assumptions until it was clear how high the total impact fee would be. They asked the consultants to reevaluate the calculations for Transportation and Parks. The next meeting will be in February and they will have a first draft of the final report. He expects the Council will have something to review and consider in March.

Councilmember Stolzmann gave a report on the recent activities of the Library Board. She stated the Library Board of Trustees would like to change the members' terms to three years. She stated the Finance Committee has been doing reasonableness checks for the revenue projections and has been getting updates on CIP projects. She reported on the recent activities of the DRCOG board. She handed out materials from DRCOG regarding their legislative agenda for 2016 noting she won't vote for or against any position on which the Council has not already taken a position.

Mayor Muckle reported on the recent Metro Mayor's retreat.

Councilmember Maloney stated the 2/7 meeting agenda is very long and asked if anyone would consider starting at 6 pm. Councilmember Loo moved to start at 6 pm; Councilmember Stolzmann seconded the motion; all in favor.

Councilmember Maloney asked when the discussion of the future of the Golf Course Advisory Board and a possible Recreation board would be scheduled; he would like it earlier in the year. City Manager Fleming stated it will be moved to earlier in the year. Councilmember Loo asked if Superior's proposal for a US 36 bridge could be added to the advanced agenda for discussion. Members agreed to add it.

**ADJOURN**

Members adjourned the meeting at 8:08.

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Robert P. Muckle, Mayor

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Meredyth Muth, City Clerk